

## **REMARKS**

### **1. Specification**

In the Office Action mailed on November 15, 2005, the Examiner stated that “the distal end” limitation of claim 16 lacked antecedent basis. Claim 16 as amended recites “the distal tip.” Accordingly, Applicants respectfully submits that Examiner’s objection has been overcome.

### **2. Claim rejections – 35 U.S.C. § 102(b)**

#### **A. Badera et al.**

In the Office Action, the Examiner rejected claims 26 and 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,040,543 to Badera et al. Applicants respectfully traverse these rejections.

Independent claim 26 as amended recites a “the coating comprising a flexible tip extending beyond the distal end and encompassing a solid member, the solid member being spaced from the distal end.” The tip joint 12 of Badera et al. is associated with a distal end of coil 2. Fig. 1; Col. 1, ll. 28-40. Hence, the tip joint 12 of Badera et al. is not encompassed within, or even associated with, the elongate polymeric element 6. Accordingly, Applicants respectfully submit that claim 26 is allowable. Claim 28 depends upon independent claim 26 and should be allowable for similar reasons.

#### **B. Abele et al.**

In the Office Action, the Examiner rejected claims 1 and 6-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,385,152 to Abele et al. Applicants respectfully traverse these rejections.

Independent claim 1 as amended recites “the coating having a proximal portion and a distal portion, the proximal portion commencing within the taper portion of the elongate

member.” Abele et al. discloses a polymeric element 406 encompassing constant diameter portion 414 of the wire 400, the constant diameter portion 414 connected to the tapered portion 417. *See* Fig. 11a; Col. 9, ll. 16-63. The proximal end of the polymeric element 406 of Abele et al. also stretches from the distal end 424 of the wire body to a “position 411 of the wire body just proximal of the enlarged distal end.” Col. 9, l. 59; Col. 9, ll. 53-57. Accordingly, Abele et al. does not disclose the proximal portion of a coating commencing within the taper portion of the elongate member. Accordingly, Applicants respectfully submit that claim 1 is allowable. Claims 6-13 depend upon independent claim 1 and should be allowable for similar reasons.

Additionally, claim 6 as amended recites “the coating comprises an outer diameter approximately equal to or less than the first diameter.” Abele et al. does not disclose a coating having an outer diameter approximately equal to or less than the diameter of the elongate member. *See* Fig. 11a.

Claim 7 as amended recites a “flexible tip comprises a curvilinear portion.” Abele et al. does not disclose a flexible tip having a curvilinear portion.

Claim 9 as amended recites a “lubricious coating disposed directly on at least a portion of the main body.” The portion of Abele et al. that the Examiner relies upon only discloses a “lubricious, hydrophilic coating as discussed previously is then applied to the outer surface of the polymeric element.” Col. 11, ll. 17-19. Additionally, as mentioned above with respect to claim 1, Abele et al. discloses encompassing a “main body” with a polymeric element. Hence, Abele et al. does not disclose disposing a lubricious coating directly upon a main body.

### 3. Claim rejections – 35 U.S.C. § 102(e)

In the Office Action, the Examiner rejected claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2003/0069521 to Reynolds et al. Applicants respectfully traverse these rejections.

Claim 1 as amended recites “the coating having a proximal portion and a distal portion, the proximal portion commencing within the taper portion of the elongate member.” Claim 1 as amended also recites that the “taper portion is disposed directly between the main body and distal end.” Figure 7 of Reynolds et al. discloses a “taper portion” 146 between a “distal end” 154 and a “main body” 150. However, the outer sleeve 168 of Reynolds et al. covers the “main body” 150.

Claim 1 further recites that the “flexible tip having a length axially extending beyond the distal end, the ratio of the length to the first diameter being greater than 3:1.” Reynolds et al. discloses embodiments having support attachments extending from the end 154 into a “flexible tip” 170, somewhat analogous to Figures 4 to 9 of the present application. *See* Figs. 7-23. Reynolds et al. does not disclose the length of the flexible tip that extends beyond the distal end of the support attachments. Accordingly, Applicants respectfully submit that claim 1 is allowable. Claims 6-13 depend upon independent claim 1 and should be allowable for similar reasons.

Additionally, claim 6 as amended recites “the coating comprises an outer diameter approximately equal to or less than the first diameter.” Reynolds et al. does not disclose a coating having an outer diameter approximately equal to or less than the diameter of the main body of an elongate member that is connected directly with the taper portion. *See* Fig. 11a.

Claim 7 as amended recites a “flexible tip comprises a curvilinear portion.” Reynolds et al. does not disclose a flexible tip having a curvilinear portion.

Claim 9 as amended recites a “lubricious coating disposed directly on at least a portion of the main body.” The “main body” 154 of Reynolds et al. is encompassed with an outer sleeve 168, not a lubricious coating.

Independent claim 14 as amended recites “the coating having an outer diameter approximately equal to or less than the first diameter of the main body.” The present invention seeks not to increase the outer diameter of a main body of an elongate member for practical medical reasons. However, Reynolds et al. teaches away from this limitation as the coating shown in Figure 7 increases the outer diameter of the main portion 150. *See* Fig. 11a. Hence, Reynolds et al. does not disclose a coating having an outer diameter approximately equal to or less than the diameter of the main body of an elongate member that is connected directly with the taper portion. Therefore, Applicants respectfully submit that claim 14 is allowable.

Claims 15-20 depend upon independent claim 1 and should be allowable for similar reasons. Additionally, claim 20 as amended recites a “flexible tip comprises a curvilinear portion.” Reynolds et al. does not disclose a flexible tip having a curvilinear portion.

Independent claim 21 as amended recites a “the polymer coating disposed on the distal tip and commencing within a portion of the taper portion,” the taper portion being disposed directly between the main body and the distal tip. As discussed above with respect to independent claim 1, Reynolds et al. does not disclose a polymer coating commencing within a portion of the taper portion as recited.

Claim 21 further recites “a length axially extending beyond the distal tip, the ratio of the length to the first diameter being greater than 3:1.” As previously mentioned with respect to independent claim 1, Reynolds et al. does not disclose the length axially extending beyond the support attachments to end 160, the end of the support attachment would constitute the distal end

of Reynolds et al. *See* Fig. 7. Accordingly, Applicants respectfully submit that claim 21 is allowable. Claims 22-25 depend upon independent claim 21 and should be allowable for similar reasons.

Independent claim 26 as amended recites a “coating having a second outer diameter that is approximately equal to or less than the first outer diameter.” As discussed above with respect to independent claim 14, Reynolds et al. does not disclose this limitation. Accordingly, Applicants respectfully submit that claim 26 is allowable. Claims 27-28 depend upon independent claim 26 and should be allowable for similar reasons.

## SUMMARY

Applicants respectfully submit that all of the pending claims are in condition for allowance and seeks allowance thereof. If for any reason the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 321-4277.

Respectfully submitted,



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